THE BOMBAY MERGED TERRITORIES (BARODA MULGIRAS TENURE ABOLITION) ACT, 1953.

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SCHEDULE.

BOMBAY ACT No. XLV OF 1953.[1]

[THE BOMBAY MERGED TERRITORIES (BARODA MULGIRAS TENURE ABOLITION) ACT, 1953.]

[*23rd June 1953*]

An Act to abolish mulgiras tenure prevailing in the merged territories of the former State of Baroda.

WHEREAS it is expedient to abolish the mulgiras tenure prevailing in the merged territories of the former State of Baroda, to extinguish the rights appertaining thereto and to provide for other consequential and incidental matters hereinafter appearing; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Merged Territories (Baroda Mulgiras Tenure Abolition) Act, 1953.

(*2*) It extends to the merged territories of the former State of Baroda which are included in the district of Amreli.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context—

(*i*) "*Ankdo*" means a lump sum paid annually by a mulgirasia to Government as revenues and other *haks* in respect of the village held by him;

(*ii*) "cash *hak*" means a cash allowance received by a mulgirasia in lieu of *haks* known as *Chirda Hak*, *Mapa Hak*, *Taka Hak* or *Kothali Santh* under the law in force in the merged territories of the former State of Baroda immediately before the 30th day of July 1949;

Bom. V of 1879.

(*iii*) "Code" means the Bombay Land Revenue Code, 1879;

(*iv*) "Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act;

(*v*) "mulgirasia" means the holder of a mulgiras village or mulgiras land and includes his co-sharer;

(*vi*) "mulgiras tenure" means a tenure on which a mulgiras village or land is held by a mulgirasia;

(*vii*) "mulgiras land" means a land held on mulgiras tenure;

(*viii*) "mulgiras villages" means villages specified in the Schedule appended to this Act;

(*ix*) "prescribed" means prescribed by rules made under this Act.

(*2*) Any word or expression which is defined in the Code but not defined in this Act shall be deemed to have the meaning given to it in the Code.

(*3*) References in this Act to the incidents of mulgiras tenure shall, notwithstanding the abolition of the said tenure by this Act, be construed as references to the incidents as they were in force immediately before this Act comes into force.

Abolition of mulgiras tenure.

3. With effect from and on the date on which this Act comes into force,—

(*1*) the mulgiras tenure, wherever it prevails in the territory to which this Act extends, shall be deemed to have been abolished;

(*2*) the right of a mulgirasia to receive any cash *hak* shall be deemed to have been terminated;

(*3*) save as expressly provided by this Act all the incidents of the said tenure shall be deemed to have been extinguished;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, pp. 119-120.

(*4*) a mulgirasia shall cease to pay to the State Government any *Ankdo* payable by him as an incident of mulgiras tenure;

(*5*) all the lands in mulgiras villages and all mulgiras lands shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder.

Persons to be deemed as occupants.

4. (*i*) In a mulgiras village,—

(*a*) in the case of land held by a mulgirasia, such mulgirasia, and

(*b*) in the case of land held by a co-sharer of mulgirasia, such co-sharer, and

(*ii*) in the case of a mulgiras land, the mulgirasia or his co-sharer, holding such land,

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or any other law for the time being in force.

Compensation for the abolition of cash *haks.*

5. Where a mulgirasia was receiving any cash *hak*, a sum equal to seven times the amount of cash *hak* due to him for the year immediately preceding the date on which this Act comes into force shall be paid to him as compensation in consideration of the extinguishment of his right to receive such cash *hak*.

All public roads, etc., situate in mulgiras villages or lands to vest in Government.

6. All public roads, lanes and paths, the bridges, ditches, dikes and fences, on or beside the same, the bed of the sea and of harbours, creeks below high water mark, and of rivers, streams, nallas, lakes, wells and tanks, and all canals and water courses, and all standing and flowing water, all unbuilt village site lands, all waste lands and all uncultivated lands (excluding lands used for building or other non-agricultural purposes), which are situate within the limits of any mulgiras village or mulgiras land shall, except in so far as any rights of any person other than the mulgirasia may be established in or over the same and except as may otherwise be provided by any law for the time being in force, vest in and shall be deemed to be, with all rights in or over the same or appertaining thereto, the property of the State Government and all rights held by a mulgirasia in such property shall be deemed to have been extinguished and it shall be lawful for the Collector, subject to the general or special orders of the State Government, to dispose them of as he deems fit, subject always to the rights of way and other rights of the public or of individuals legally subsisting.

Explanation.—For the purposes of this section, land shall be deemed to be uncultivated if it has not been cultivated for a continuous period of three years immediately before the date on which this Act comes into force.

Right to trees.

7. The rights to trees specially reserved under the Indian Forest Act, 1927, or any other law for the time being in force, except those the ownership of which has been transferred by the State Government under any contract, grant or law for the time being in force shall vest in the State Government and nothing in this Act shall in any way affect the right of the State Government to apply the provisions of the Indian Forest Act, 1927, as in force in the State of Bombay to forests in a mulgiras village or mulgiras land. XVI of 1927. XVI of 1927.

Compensation to mulgirasias for extinguishment of rights under section 6.

8. (*1*) Any mulgirasia having any rights or interest in the property referred to in section 6 shall be entitled to compensation in the manner provided in the following paragraphs, namely:—

(*a*) within a period of twelve months from the date on which this Act comes into force, the mulgirasia shall apply in writing to the Collector stating the nature of his right, the grounds of his claim and the amount of compensation claimed by him for the extinguishment of his rights;

(*b*) the Collector shall hold a formal inquiry in the manner provided in the Code and if the Collector is satisfied that the applicant had any rights in the land and that such rights have been extinguished under section 6, shall make an award in the manner prescribed in section 11 of the Land Acquisition Act, 1894, subject to the following conditions, namely :—

I of 1894.

(*i*) if the property acquired is waste or uncultivated but is cultivable land, the amount of compensation shall not exceed three times the assessment of the land :

Provided that if the land has not been assessed, the amount of compensation shall not exceed such amount of assessment as would be leviable in the same village on the same extent of similar land used for the same purpose ;

(*ii*) if the property is land over which the public has been enjoying or acquired a right of way or any individual has any right of easement, the amount of compensation shall not exceed the amount of the annual assessment leviable in the village for uncultivated land in accordance with the rules made under the Code or if such rules do not provide the levy of such assessment, such amount as in the opinion of the Collector shall be the market value of the right or interest held by the claimant ;

(*iii*) if there are any trees or structures on the land, the amount of compensation shall be the market value of such trees or structures, as the case may be ;

Explanation.—For the purposes of this section, the "market value" shall mean the value as estimated in accordance with the provisions of sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894, in so far as such provisions may be applicable.

I of 1894.

(*2*) Every award made under sub-section (*1*) shall be in the form prescribed in section 26 of the Land Acquisition Act, 1894, and the provisions of the said Act, shall, so far as may be, apply to the making of such award.

I of 1894.

Appeal against Collector's award.

9. An appeal shall lie against an award of the Collector to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, notwithstanding anything contained in the said Act.

Bom. XII of 1939.

Procedure before Revenue Tribunal.

10. (*1*) The Bombay Revenue Tribunal shall, after giving notice to the appellant and the State Government, decide the appeal and record its decision.

(*2*) In deciding appeals under this Act, the Bombay Revenue Tribunal shall exercise all the powers which a Court has and shall follow the same procedure which a Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908.

V of 1908.

Limitation.

11. Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal.

IX of 1908.

Court fees.

12. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

VII of 1870.

Finality of award and decision of Revenue Tribunal.

13. The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive.

Inquiries and proceedings to be judicial proceedings.

14. All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

XLV of 1860.

Method of compensation for the extinguishment or modification of any other rights.

15. (*1*) If any person is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights in any land other than those in respect of which provision for the payment of compensation has been made under section 8 and if such person proves that such extinguishment or modification amounts to the transference to public ownership of such land or any right in or over such land, such person may apply to the Collector for compensation within a period of twelve months from the date on which this Act comes into force.

(*2*) The Collector shall, after holding a formal inquiry in the manner provided in the Code, make an award deciding such amount of compensation as he deems reasonable and adequate. In deciding the amount of compensation, the Collector shall be guided by the provisions of sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894. I of 1894.

(*3*) An appeal shall lie from the said award to the Bombay Revenue Tribunal.

(*4*) The provisions of sections 8 to 14 (both inclusive) shall, so far as may be, apply to the proceedings in respect of such award or appeal, as the case may be.

(*5*) Nothing in this section shall entitle any person to compensation on the ground that any mulgiras village or mulgiras land which was wholly or partially exempt from the payment of land revenue has been under the provisions of this Act made subject to the payment of full assessment in accordance with the provisions of the Code.

Amount of compensation to be payable in transferable bonds.

16. The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.

Provisions of Bom. LXVII of 1948 to govern the relations of landlord and tenant in mulgiras villages and lands.

17. Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, to any of the lands comprised in any mulgiras village or a mulgiras land or the mutual rights and obligation of a landlord and his tenant in respect of such lands, save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act. Bom. LXVII of 1948.

Rules.

18. (*1*) The State Government may, by notification published in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for the following matters :—

(*a*) the value of court-fee stamp payable on an appeal to the Bombay Revenue Tribunal under section 12 ;

(*b*) the denominations and forms of transferable bonds and the intervals at which interest shall be payable thereon under section 16 ;

(*c*) any other matter which is to be or may be prescribed under this Act.

(*3*) Rules made under this section shall be subject to the condition of previous publication.

Repeal.

19. (*1*) The Amreli District Mulgirasias (Adoption and Mutation) Rules, 1937, of the former Baroda State are hereby repealed.

(*2*) Any other law so far as it regulated mulgiras tenure immediately before the coming into force of this Act shall cease to apply to mulgiras tenure.

(*3*) Nothing in sub-sections (*1*) and (*2*) shall affect,—

(*a*) any obligation or liability already incurred before the coming into force of this Act;

(*b*) any proceeding in respect of such obligation or liability;

and any such proceeding may be continued as if this Act had not been passed.

SCHEDULE.

[Section 2 (*1*) (*viii*).]

Mulgiras villages in the district of Amreli.

	Taluka.	Name of the village.
1.	Dhari	Ingorala
2.	Do.	Chachai
3.	Do.	Kotda
4.	Do.	Pania
5.	Do.	Zar
6.	Do.	Mithapur
7.	Amreli	Timbla
8.	Do.	Nana Mandawada
9.	Do.	Piplag
10.	Damnagar Mahal	Monpur